COCHIN LEGISLATIVE COUNCIL PROCEEDINGS.

(OFFICIAL REPORT)

LEGISLATIVE SESSION OF VRISCHIGAM 1102.

Thursday, the *2nd of December 1926.* / *17th of Vrischigam 1102.*

The Council assembled in the Town Hall, Ernakulam, at 11-30 a. m. on the 17th of Vrischigam 1102 corresponding to the 2nd of December 1926. The Diwan-President presided. Messrs. C. N. Ittiravi Nambudiri, K. Krishna Menon, Lonappan Chakkola, P. Munda Vaidyan, Poulo Mampilli, A. Sankara Puduval and H. J. Walmesly were absent.

QUESTIONS AND ANSWERS.

Complaints in the Excise Department.

112. **Mr. Chakko Cheruvattur.**—Will the Government be pleased to state as to :

(a) whether the Government or the Excise Superintendent received any petition last year complaining about the conduct of the subordinate staff of the Excise Department; if so, when ;

(b) will the Government be pleased to lay a copy of it on the table;

(c) what steps have the department taken for redressing their grievances ;

(d) was any evidence taken regarding the complaint stated in the petition ; if so, what was the nature of the evidence taken, and where was it taken, and with what result ;

(e) were the petitioners ready to adduce evidence to prove the allegations in the petition ; were they ordered, to produce the same; if not, why not; if they were so ordered, did they adduce any evidence; were any witnesses examined or sought to be examined; will the Government be pleased to lay a copy of the notice upon the table ;

(f) when did the inquiries terminate in that case, and when was final orders passed, if any, upon that petition ;

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(g) were any of the petitioners in that petition charged with any Abkari-offence last year; if so, how many of them, and when; was it not by the same Aminadar against whom the complaints were made;

(h) will the Government be pleased to lay the papers connected with that petition, the inquiries made thereunder and the decision of the Government thereon on the table of this House?

Mr. V. B. Vaidyanatha Ayyar.—(a) Several petitions were received on different dates.

(b) The request cannot be complied with, unless the petition is specified.

(c) to (h) No answer is necessary in view of the reply to part (b).

Mr. Chakko Cheruvattur.—May I know the approximate number of the several petitions? I want only the approximate number.

Mr. V. B. Vaidyanatha Ayyar.—I cannot say that without reference to the official file.

Mr. Chakko Cheruvattur—Can he not say approximately? The complaint till now was that there were no such cases brought to the notice of the Hon'ble Member for Excise. Now, the answer is that there were petitions. I do not know what the Hon'ble Member means by such answers.

President.—You said before that no complaint was received. But from the answer now given, it seems that there was more than one petition. So there is an inconsistency. When was the answer given?

Mr. Chakko Cheruvattur.—Not once but more than once. In the last budget session, on page 1740, the Hon'ble Member has said that not a single case has been brought to his notice. Again, in the legislative session (Kumbham sitting), on page 1253, he has said that he has not met with any case similar to that put forward, and that such a complaint has not reached him.

Mr. V. B. Vaidyanatha Ayyar.—But what is the nature of the complaint?

President.—Do not the petitions received by you raise complaints? What is that specific complaint to which you made an answer in the Kumbham sitting? What did it deal with?

Mr. V. B. Vaidyanatha Ayyar.—About the levy of illegal gratification on jaggery tappers, if I remember right.

President.—That was the complaint to which you made an answer. Is there any indication in those questions to show

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that these petitions contained some complaints of a similar nature? This levying of illegal gratification is the complaint against the conduct of the subordinate staff. Is there any room for such a question ?

Mr. V. B. Vaidyanatha Ayyar.—No such complaint was brought to my notice. There were several complaints regarding hushing up of cases, complaints from those giving trees for tapping, when they ought not to have been given.

President.—Have you any information of the petitions that were presented to you or complaints raised saying that illegal gratification was received by your subordinates ?

Mr. V. B. Vaidyanatta Ayyar.—I think it is from tappers.

President.—It is enough. Let us close the matter, Mr. Chakko.

Mr. Chakko Cheruvattur.—I do not know where we are now. I bring to the notice of the House that this is the third time I put the question, and the Hon'ble Member for Excise has been evading an answer.

President.—There is an honest attempt to give all information, as far as possible, and it is not right on your part to say that the Member of Excise is evading. Be careful about your words. Remarks of this nature should not have come from you.

Mr. Chakko Cheruvattur.—I shall substantiate my statement, Sir. What the Hon'ble Member till now said before the House is that there were no cases brought to his notice with regard to the conduct of the subordinate officers under him.

Mr. V. B. Vaidyanatha Ayyar.—I never said so.

President.—I have been able to follow you. The complaint to which he made reference is the illegal levy on the tappers by the subordinate staff. He says that no such complaint came to his notice. Now, you ask whether there were not petitions in regard to the complaints raised against the conduct of the subordinate officers. He says that several petitions were received, but none to the best of his recollection dealt with the matter of levying illegal gratification from the tappers. He says that your question has been answered, and you say your question has been evaded.

Mr. Chakko Cheruvattur.—May I enlighten the President that the Hon'ble Member stated that he has not received any petition regarding illegal gratification ?

Mr. V. B. Vaidyanatha Ayyar.—There are several complaints regarding bribery cases.

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President.—The point is whether illegal gratification was levied on the tappers by the subordinate staff of the department. The Member in charge stated that no such petition regarding that specific complaint was received. So far as I can see, there has been no evasion in regard to this answer.

Mr. Chakko Cheruvattur.—But in the last legislative session, the Hon'ble Member himself has admitted that there was such a petition.

President.—What is the reference?

Mr. Chakko Cheruvattur.—A reference is solicited to page 1253. It runs as follows.—"I shall explain the matter. He came in as a Vakil. He said he had no *Vakkalath*. They were, most of them, fresh petitions. Most of them have been given licenses for tapping subsequently. The allegation was that the tapping applications will not be certified without some payment being given to the Aminadar. I have got the copy of the petition. I forwarded the petition to the Inspector for immediate remarks. I have not met with any case similar to that put forth by the Hon'ble Member, i. e, such a complaint has not reached me."

President.—I do remember that you went in the capacity of a Vakil. Mr. Vaidyanatha Ayyar, have you got the petition?

Mr. V. B. Vaidyanatha Ayyar.—The petition contains an allegation, Sir.

Mr. Chakko Cheruvattur.—Was not the statement correct?

President.—Have you said that no complaint was brought to your notice? There was a petition which you had to consider, and in which allegations were made. So there is inconsistency there.

Mr. V. B. Vaidyanatha Ayyar.—Such a statement was not made with reference to the petition. Everybody knew about that. I also knew it.

President.—Does not the petition state about the Aminadar's receiving illegal gratification for certifying licenses?

Mr. V. B. Vaidyanatha Ayyar.—It contains allegations to that effect. The aminadars were receiving illegal gratification before certifying trees for jaggery tapping.

President.—Then, that is the case that was brought to your notice. But you said this was not brought to your notice.

Mr. V. B. Vaidyanatha Ayyar.—I never meant that my statement referred to that.

Mr. Chakko Cheruvattur.—The statement is not true.

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Mr. V. B. Vaidyanatha Ayyar.—A point of order, Sir. The Member says he wants a true statement, as if the statement given by me is not true.

President.—Why is it, Mr. Chakko, that you said so? The insinuation is that true statements are not made by the Government.

Mr. Chakko Cheruvattr.—It is seen like that from the answer given here. I do not know whether it was made wittingly or unwittingly.

President.—You are not the best judge. Will you kindly explain matters to justify your statement that no true statements are made? What is it that you see here? Remarks must not be made in such a way as to cast reflections upon the conduct of Government officers. He is trying to give you such information as it is possible to give. If he has committed a mistake, he will be ready to admit that. Nobody will be ashamed to confess a mistake, when he has committed it.

Mr. V. B. Vaidyanatha Ayyar.—It is unbearable to hear a non-official Member saying that my statements are not true. It is insulting too. The facts of the case are these. The Hon'ble Member wanted certain particulars with regard to certain facts. He referred to the petition, and mentioned a certain date, and asked me whether the Government received any petition on such and such a date. All the questions were put on the basis of that petition, viz., "what became of the petition, etc." I said that no petition was received on that date. Then the answer ended. Now, in the present series of questions, the Hon'ble Member wanted to know what had become of that petition. It is for that purpose he has put in these questions.—

(a) "Will the Government be pleased to state whether the Government or the Excise Superintendent received any petition complaining about the conduct of the subordinate staff of the Excise Department; and if so, when?

(b) "Will the Government be pleased to lay a copy of it on the table?

(c) "What steps have the department taken for redressing the grievances, etc.?"

President.—To my mind it appears that, when Mr. Chakko appeared before you to express what he had to say in the interest of the tappers, you thought that he was appearing in the capacity of a Vakil. In the case under reference, he appeared as a representative of the public. If I were in your position, I would not have insisted that he should produce a *Vakkalath*. So many Members are appearing before us and

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bringing matters to our notice. Whatever inconveniences we may have, we have to hear them. You should have understood Mr. Chakko who appeared before you to have done so in the capacity of a public representative. Let me see whether there is any ground for such a complaint.

Mr. V. B. Vaidyanatha Ayyar —The Hon'ble Member belongs to Vadakkancheri, and the petitioners belong to Kunnamkulam.

President.—Then, you could very well have stated that. But you were strict. You could very well have said that he represented somebody else, and then this unpleasent affair could have been avoided.

Mr. A. B. Salem.—On a point of order, Sir. A remark was made "that it is very unbearable to be here" by one of the Hon'ble Members. Please refer answers to question No. 112 (a) to (h). The amount of information that we get from the answer is not at all illuminating. They only say that several petitions were received on several dates. That we knew, when the question was put. Please see the answer to question 112 (b). "The request cannot be complied with, unless the petition is specified". The open nature of the answer makes us also feel that it is becoming very unbearable to sit here, as the information given for the questions put by us is unbearable for us also, (*Hear, hear.*)

Mr. Chakko Cheruvattur.—I myself went with the petition. The Hon'ble Member has stated that I went as a Vakil. The statement by the Hon'ble Member in the budget session of 1100 is that, if specific instances were brought to him he would have dismissed the subordinates then and there. I thought this was a true statement. The tappers belong to my constituency and not to Kunnamkulam, as the Hon'ble Member insinuated. That was the first time, when I came to understand the fact. All these tappers belong to my constituency. They all belong to Kandanasseri. When these tappers came to me, I came with them to the Hon'ble Member for Excise to Ernakulam. These poor fellows had to borrow money. I had to help them to come all the way—bearing all the railway charges—to put in the petition. I am sorry that nothing palpable has been done till now, and that is why we are so much aggrieved, and why I am repeating the question session after session. The Hon'ble Member said that I gave an incorrect date, and so he would not be able to answer. In the legislative session, I asked whether the Government has received any petition. Here also the question was left unanswered, and this is the third time that the Hon'ble Member has taken up the safeguard.

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President.—Have you got that petition with you?

Mr. Chakko Cheruvattur.—I think I can get a copy of it.

President.—Do you remember that particular petition which Mr. Chakko presented?

Mr. V. B. Vaidyanatha Ayyar.—I do not remember. I do not know to which petition he refers. Further, it is not a statement of fact when the Hon'ble Member says that nothing has been done with regard to that petition. I did enquire into that petition. I examined all the petitioners available here except two or three who had left for Colombo. This was done publicly. None of them implicated the aminadar. As the allegations have not been proved, the petition was finally disposed of.

Mr. Chakko Cheruvattur.—Something in the shape of an enquiry was conducted in the Kunnamkulam Traveller's Bungalow, which is four miles away from the village in which the tappers lived, and I do not wish to state in the House how the enquiry was conducted. I wanted to get clear information with regard to that. From this sub-division it will be clear how many enquiries were conducted, and he wanted to avoid all these

Mr. V. B. Vaidyanatha Ayyar.—If I had known before, I would have placed a copy of that petition, and I would have even consulted the Government before answering that question. I have not got that petition at present.

President.—What action was taken to redress the grievances?

Mr. V. B. Vaidyanatha Ayyar.—The complainants were examined in the case, and the result was there was no ground for further proceeding in the matter for want of evidence.

President.—Was any notice issued?

Mr. V. B. Vaidyanatha Ayyar.—Notice was issued to appear before me for examination.

President.—Do you mean that, if you had understood that the reference was with regard to the particular petition, you would have produced all evidences? Because you knew that there were a number of petitions with regard to that matter, you were not able to know to which particular petition reference was made, and therefore you were not able to give the necessary answer. In the circumstances of the case, you had no reason to think that the reference was to such a petition. Had you not reasonable grounds to suppose that the reference was to such a petition?

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Mr. A. B. Salem.—The summary of the complaints relating to the petition could have been placed before the House.

Mr. C. A. Ouseph.—Now, the question has been fully gone into. May I know why so many petitions were put in against the Aminadar? What is the motive which induced such petitions? This would be a relevant piece of information.

President.—This is the time for questions and answers.

Mr. Cakko Cheruvattur.—This question was occasioned by information supplied to me that the enquiry was not properly conducted. The Aminadar under reference was asked to inform the tappers to come to the Traveller's Bungalow. It appears that the Aminadar has frightened away these people, and so only very few of them came. Only one or two of them were examined. This is the information which I got. I do not know whether it is true or not. The Hon'ble Member, when I went with the petitioners, promised to give me information, which he has not done.

President.—We can proceed with the next question.

The consumption of arrack.

113. Mr. K. T. Mathew.—Will the Government be pleased to state the quantity of arrack consumed in the year 1101, and whether the quantity consumed in that year is more than the quantity consumed in the previous year, citing the figures for both the years?

Mr. V. B. Vaidyanatha Ayyar.—1101—37,542·83 proof gallons. 1100—33,274·8 proof gallons.

Mr. K. T. Mathew.— A part of my question has not been answered. I asked whether the quantity consumed in 1101 is more than the quantity consumed in previous years, and only certain figures are given as answer.

President.—From the figures the answer is clear. Only a subtraction is necessary.

Mr. K. T. Mathew.—There is an inconsistency in the policy of the Government, which has been laid down. The Government have declared in answer to a question put by me on a previous occasion that its policy is to decrease the quantity consumed. I wish to know whether that policy has been kept up.

President.—The consumption in 1101 is more than in 1100. There is a larger consumption in 1101.

Year after year we are using a larger quantity. What is it due to?

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